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Fischer, Porter & Thomas, P.C. and
Arthur L. Porter, Jr., Esq.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

VICTOR MONDELLI,	:	Civil Action No. 14-cv-6196 (KSH)(CLW)
Plaintiff,	:	
v.	:	
BERKELEY HEIGHTS POLICE	:	
DEPARTMENT, MICHAEL P. MATHIS, Chief	:	
of Police of the Berkeley Heights Police	:	
Department, in his individual capacity, MICHAEL	:	
DELIA, Detective at the Berkeley Heights Police	:	
Department, in his individual capacity, JOHN	:	
DOES 1, Supervising Officer of Michael Delia,	:	
JOHN DOE 2, Berkeley Heights Police Officer, in	:	
his individual capacity, THOMAS BOCKO,	:	
Zoning Officer of Berkeley Heights, in his	:	
individual capacity, JACK SILVERMAN	:	
REALTY & MORTGAGE CO., LLC,	:	
BERKELEY REALTY PARTNERS 244, LLC,	:	
JACK SILVERMAN, in his individual capacity,	:	
WILLIAM SILVERMAN, in his individual	:	
capacity, FISCHER, PORTER & THOMAS, P.C.,	:	
ARTHUR PORTER, JR., partner in Fischer, Porter	:	
& Thomas, P.C., in his individual capacity,	:	
ROBERT DOWLING, in his individual capacity,	:	
and JACK DOWLING, in his individual capacity,	:	
Defendants.	:	

DECLARATION OF DAVID M. BLACKWELL, ESQ.

I, DAVID M. BLACKWELL, hereby declare as follows:

1. I am an attorney-at-law of the State of New Jersey and a member of the firm of Graham Curtin, a Professional Association, counsel of record for Defendants, Fischer, Porter & Thomas, P.C. and Arthur L. Porter, Jr., Esq. (the "Attorney Defendants"). I submit this Declaration in support of the Attorney Defendants' Motion to Dismiss the Complaint, pursuant to Fed.R.Civ.P. 12(b)(6), for failure to state a claim upon which relief can be granted.

2. Attached as **Exhibit A** is a true and accurate copy of the letter decision by the Honorable John F. Malone, P.J.Ch., dated July 30, 2012 and filed in the Superior Court of New Jersey, Union County matter captioned Jack Silverman Realty & Mortgage, Co., et al. v. Mondelli, et al., Docket Numbers UNN-C-16-11 and LT-1683-12, along with a true and accurate copy of the Judgment entered on July 30, 2012.

3. Attached as **Exhibit B** is a true and accurate copy of the letter decision by the Honorable Lisa F. Chrystal, J.S.C. dated December 7, 2012 and filed in the Superior Court of New Jersey, Union County matter captioned Jack Silverman Realty & Mortgage, Co. v. Mondelli, Docket Number UNN-L-3965-12, along with a true and accurate copy of the Order entered on December 7, 2012.

4. Attached as **Exhibit C** is a true and accurate copy of the Verified Complaint filed on October 18, 2012 in the Superior Court of New Jersey, Union County, Chancery Division and captioned Jack Silverman Realty & Mortgage, Co., et als. v. Mondelli, et als., Docket Number UNN-C-98-12.

5. Attached as **Exhibit D** is a true and accurate copy of the letter decision by the Honorable Frederic S. Kessler, P.J.Ch. dated December 9, 2013 and filed in the Superior Court

of New Jersey, Union County matter captioned Jack Silverman Realty & Mortgage, Co., et als. v. Mondelli, et als., Docket Number UNN-C-98-12, along with a true and accurate copy of the Order Dismissing the Third-Party Complaint without Prejudice Pursuant to Rule 4:6-2(e) entered on December 9, 2013.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 22, 2015

By: /s/ David M. Blackwell
DAVID M. BLACKWELL